

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Keith R. Murphy  
Robertson D. Beckerlegge  
Elyssa S. Kates

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff,

Plaintiff,

v.

JAMES LOWREY, individually, in his capacity as  
general partner of Turtle Cay Partners, in his  
capacity as personal representative of the Estate of  
Marianne Lowrey, in his capacity as trustee for the  
Marianne B. Lowrey Trust, and in his capacity as  
successor partner of Coldbrook Associates

Adv. Pro. No. 10-04387 (SMB)

Partnership, *et al.*,  
Defendants.

**NOTICE OF PRETRIAL CONFERENCE**

**PLEASE TAKE NOTICE** that on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) (ECF No. 3141). Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this adversary proceeding on November 30, 2010 (ECF No. 2), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter;

**PLEASE TAKE FURTHER NOTICE** that on January 16, 2014, the defendants (“Defendants”) filed an Answer to Amended Complaint (ECF No. 43) and pursuant to the Avoidance Procedures the Trustee and Defendants (the “Parties”) commenced discovery, which was completed on or about February 19, 2016;

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Avoidance Procedures, on July 18, 2016, the Trustee filed a Notice of Mediation Referral (ECF No. 62), wherein the Parties jointly agreed to enter mediation and, on November 3, 2016, the mediation was completed without a settlement between the Parties;

**PLEASE TAKE FURTHER NOTICE** the mediator filed his final report on November 18, 2016 indicating that the mediation was unsuccessful (ECF No. 67);

**PLEASE TAKE FURTHER NOTICE** that pursuant to Section 7 of the Avoidance

Procedures concerning scheduling a pretrial conference and trial, which provides that after all discovery has been completed and after the completion of mediation without a settlement, the parties to the Avoidance Action shall so inform the Court at the next scheduled Avoidance Actions Omnibus Hearing;

**PLEASE TAKE FURTHER NOTICE** that the pre-trial conference in the above-referenced adversary proceeding has been scheduled for **January 25, 2017, at 10:00 a.m.;**

**PLEASE TAKE FURTHER NOTICE** that the above-referenced hearing will be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge.

Dated: December 20, 2016  
New York, New York

s/ Keith R. Murphy  
**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Keith R. Murphy  
Email: [kmurphy@bakerlaw.com](mailto:kmurphy@bakerlaw.com)  
Robertson D. Beckerlegge  
Email: [rbeckerlegge@bakerlaw.com](mailto:rbeckerlegge@bakerlaw.com)  
Elyssa S. Kates  
Email: [ekates@bakerlaw.com](mailto:ekates@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*